

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA)	CASE NO.: 5:20-CR-112
)	
Plaintiff,)	JUDGE PATRICIAN A. GAUGHAN
)	
v.)	
)	
ALLEN MARTIN KENNA)	<u>MOTION FOR EVALUATION</u>
)	<u>FOR DEFENDANT'S</u>
Defendant.)	<u>COMPETENCY AND SANITY</u>
)	<u>PURSUANT TO 18 U.S.</u>
)	<u>CODE § 4241</u>

Now comes the Defendant, Allen M. Kenna, by and through counsel, and respectfully moves this Court for an Order granting an evaluation of Defendant's competency and sanity in the above captioned matter.

The basis for this motion is that Defendant is exhibiting signs of current mental health issues while at CoreCivic in Youngstown in Federal Detention. Counsel has met with and discussed Defendant's issues with his family and friends and believes a comprehensive evaluation is required. Counsel has reviewed all available discovery and believes that evidence provided by the Government supports this mental health evaluation request. Based on personal contact, counsel is concerned about Mr. Kenna's ability to assist in his own defense. Counsel for the Government has no objection to this request.

Counsel makes this request pursuant to:

18 U.S. Code § 4241.Determination of mental competency to stand trial to undergo post release proceedings.

(a)MOTION TO DETERMINE COMPETENCY OF DEFENDANT.

At any time after the commencement of a prosecution for an offense and prior to the sentencing of the defendant, or at any time after the commencement of probation or supervised release and prior to the completion of the sentence, the defendant or the attorney for the Government may file a motion for a hearing to

determine the mental competency of the defendant. The court shall grant the motion, or shall order such a hearing on its own motion, if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.

(b)PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION AND REPORT.—

Prior to the date of the hearing, the court may order that a psychiatric or psychological examination of the defendant be conducted, and that a psychiatric or psychological report be filed with the court, pursuant to the provisions of section 4247(b) and (c).

Wherefore for the foregoing reasons counsel requests that this Court order an evaluation of the Defendant's competency and his sanity at the time of the alleged offense.

Respectfully submitted,

/s/ Noah C. Munyer
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Certificate of Service

I certify on this 8th day of July, 2020, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify the foregoing document is being served on all counsel of record either via transmission of Notices of Electronic Filing generated by CM/ECF or in another authorized manner for those counsel or parties not authorized to receive electronically Notices of Electronic Filing.

/s/ Noah C. Munyer
Noah C. Munyer (0086575)
Attorney for Defendant